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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,267	11/25/2003	Paul Joseph O'Dea	137991 (553-1063US)	8624
45436	7590	11/25/2008		
DEAN D. SMALL THE SMALL PATENT LAW GROUP LLP 225 S. MERAMEC, STE. 725T ST. LOUIS, MO 63105			EXAMINER COBANOGLU, DILEK B	
			ART UNIT 3626	PAPER NUMBER
			MAIL DATE 11/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/722,267	Applicant(s) O'DEA ET AL.	
	Examiner DILEK B. COBANOGLU	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/15/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-22 have been examined.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.
3. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.
4. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.
5. The abstract is less than 50 words, appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-10, 12-22 are rejected under 35 U.S.C. 102(e) as being unpatentable by Mullen et al. (hereinafter Mullen) (U.S. Patent No. 6,689,055 B1).

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- A. As per claim 1, Mullen teaches a method for managing ultrasound examination information, the method comprising:
- i. determining a completion of at least one ultrasound scan performed during an ultrasound examination (Mullen; col. 2, line 58 to col. 3, line 5, col. 8, lines 7-20, col. 10, line 64 to col. 11, line 13); and
 - ii. providing electronic notification of completion of the at least one ultrasound scan (Mullen; col. 1, line 66 to col. 2, line 29, col. 6, lines 3-15, col. 7, line 66 to col. 8, line 6).
- B. As per claim 2, Mullen teaches a method in accordance with claim 1 further comprising generating an output based upon the electronic notification (Mullen; col. 7, line 66 to col. 8, line 6).
- C. As per claim 3, Mullen teaches a method in accordance with claim 2 wherein the output comprises at least one billing statement (Mullen; col. 7, line 66 to col. 8, line 6).
- D. As per claim 4, Mullen teaches a method in accordance with claim 2 wherein the generating is provided automatically upon the completion of the at least one scan (Mullen; col. 7, line 66 to col. 8, line 6).
- E. As per claim 5, Mullen teaches a method in accordance with claim 1 wherein at least one of the ultrasound scans comprises an unscheduled scan (Mullen; col. 5, line 47 to col. 6, line 2).

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F. As per claim 6, Mullen teaches a method in accordance with claim 1 wherein the electronic notification is provided automatically upon completion of a scan (Mullen; col. 7, lines 16-25, lines 40-45).

G. As per claim 7, Mullen teaches a method in accordance with claim 1 wherein the electronic notification is provided based upon a user input (Mullen; col. 8, lines 7-20).

H. As per claim 8, Mullen teaches a method in accordance with claim 1 further comprising associating completed ultrasound scans with patient information (Mullen; col. 6, lines 16-26).

I. As per claim 9, Mullen teaches a method in accordance with claim 1 wherein the generating comprises using at least one predetermined criteria to configure the output (Mullen; col. 1, line 66 to col. 2, line 12).

J. As per claim 10, Mullen teaches a method in accordance with claim 1 wherein at least one of the ultrasound scans is scheduled and further comprising obtaining ultrasound examination information relating to the at least one scheduled ultrasound scan (Mullen; col. 8, lines 7-20).

K. As per claim 12, Mullen teaches a method in accordance with claim 1 wherein at least one of the ultrasound scans is unscheduled and further comprising updating ultrasound examination information relating to the at least one unscheduled ultrasound scan (Mullen; col. 5, line 47 to col. 6, line 15).

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L. As per claim 13, Mullen teaches a method in accordance with claim 1 wherein the determining comprises receiving a user input indicating the completion of at least one scan (Mullen; col. 6, lines 3-15).

M. As per claim 14, Mullen teaches a method for managing ultrasound examination information, the method comprising:

- i. searching a database for ultrasound examination information based upon a user input, the ultrasound examination information relating to one or more ultrasound scans to be performed during an ultrasound examination (Mullen; col. 5, line 47 to col. 6, line 26); and
- ii. generating an output based upon an electronic notification that at least one of the one or more ultrasound scans is complete, the output corresponding to the ultrasound examination information and provided remote from an ultrasound system used to perform the ultrasound examination (Mullen; col. 5, line 47 to col. 6, line 26).

N. As per claim 15, Mullen teaches a method in accordance with claim 14 wherein the output comprises at least one billing statement (Mullen; col. 7, line 66 to col. 8, line 6).

O. As per claim 16, Mullen teaches a method in accordance with claim 14 wherein a separate output is generated in connection with each electronic notification (Mullen; col. 6, line 3-26, col. 7, lines 15-25).

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P. As per claim 17, Mullen teaches a method in accordance with claim 14 further comprising configuring the output based upon predefined criteria (Mullen; col. 6, line 3-26, col. 7, lines 15-25).

Q. As per claim 18, Mullen teaches a method in accordance with claim 14 wherein the electronic notification is generated based upon a user input (Mullen; col. 5, line 47 to col. 6, line 26).

R. As per claim 19, Mullen teaches a method in accordance with claim 14 wherein the electronic notification is automatically generated upon completion of an ultrasound scan (Mullen; col. 5, line 47 to col. 6, line 26).

S. As per claim 20, Mullen teaches a method in accordance with claim 14 wherein the electronic notification is dynamically generated (Mullen; col. 5, line 47 to col. 6, line 26).

T. As per claim 21, Mullen teaches a user interface for an ultrasound system comprising:

- i. a control portion for controlling operation of an ultrasound system (Mullen; col. 2, lines 44-57); and
- ii. a menu portion for receiving a user input indicating the completion of at least one ultrasound scan, an electronic notification generated based upon the user input and used by a remote system for generating an output based upon ultrasound examination information (Mullen; abstract, col. 1, line 66 to col. 2, line 30, col. 5, line 47 to col. 6, line 26).

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U. As per claim 22, Mullen teaches a user interface in accordance with claim 21 wherein the menu portion is configured to allow for selection of a plurality of user screens, at least one of the screens providing fields for searching the ultrasound examination information (Mullen; col. 1, line 66 to col. 2, line 30).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mullen et al. (hereinafter Mullen) (U.S. Patent No. 6,689,055 B1) in view of Robin (US Patent Publication No. 2002/0005935 A1).

A. As per claim 11, Mullen teaches a method in accordance with claim 10. Claim 11 further comprising searching a patient database for the ultrasound examination information.

Mullen fails to expressly teach searching a patient database for the ultrasound examination information. However, this feature is well known in the art, as evidenced by Robin.

In particular, Robin discloses searching a patient database for the ultrasound examination information (Robin; abstract, paragraphs: 0016, 0070, 0091, 0092, figures 17-18).

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It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Robin with the motivation of the clinician to obtain the necessary information (Robin; paragraph: 0070).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used prior art teach Medical ultrasound imaging system having a partitioned menu 5161535 A, Ultrasound imaging system having user preset modes 5315999 A, Ultrasonic diagnostic imaging system with universal access to diagnostic information and images 5715823 A, Integrated system and method for ordering and cumulative results reporting of medical tests 6018713 A, PC based ultrasound device with virtual control user interface 6063030 A, Medical information system 6322502 B1, Networked medical information system for clinical practices 20020022975, User control interface for an ultrasound processor 6468212 B1, Operator interface for a medical diagnostic imaging device 6638223 B2, Ultrasonic diagnostic device, function extending method related to ultrasonic diagnosis, and method of providing extension function related to ultrasonic diagnosis 7060032 B2.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DILEK B. COBANOGU whose telephone number is (571)272-8295. The examiner can normally be reached on 8-4:30.

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12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher L. Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. B. C./
Examiner, Art Unit 3626
11/12/208

/Robert Morgan/
Primary Examiner, Art Unit 3626